

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 16

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

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Ex parte MATTHEW JOSEPH DOYLE,  
STEPHEN JOSEPH HUNTER-RINDERLE and ROBERT ERNEST SINGER, JR.

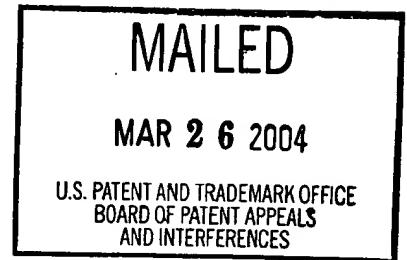
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Appeal No. 2004-0445  
Application No. 09/607,240

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ON BRIEF

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Before WILLIAM F. SMITH, ADAMS, and GREEN, Administrative Patent Judges.

GREEN, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 5-9. Claims 5 and 8 are representative of the subject matter on appeal, and read as follows:

5. A method for promoting whole body health in human and other animal subjects, comprising topically administering to said subjects' oral cavity, a composition comprising a safe and effective amount of an antimicrobial agent and a pharmaceutically acceptable oral carrier, wherein said antimicrobial is selected from the group consisting of stannous ion agent; triclosan; trilosan monophosphate; chlorhexidine; alexidine; hexetidine; sanguinarine; benzalkonium chloride; salicylanilide; domiphen bromide;